

43-126-2

50-6-2

43-126-4

50-6-4

43-126-6 thru 11

50-6-6-11

43-126-13 thru 36

50-6-13-36

43-126-38 thru 44

50-6-38-44

DRAFT: September 26, 1991
#1NO TRANSFER
TAX PAID

WARRANTY DEED

023364

AVERILL APARTMENTS, INC., a Maine corporation, with a principal place of business in Waterville, Maine, for full value and consideration paid, hereby grant to GERRITY COMPANY, INC., a Delaware corporation, with a principal place of business in Newton, Massachusetts, with warranty covenants, the following real estate located on Matthews Avenue in the City of Waterville, County of Cumberland, State of Maine, bounded and described as follows:

Units 2, 4, 6-11, 13-36, 38-44 in the AVERILL CONDOMINIUM, as described in the Averill Condominium Declaration dated December 19, 1988 and recorded in the Kennebec County Registry of Deeds in Book 3480, Page 1, and as shown on the Plats and Plans recorded in File E-88308 through E-88314, as these condominium documents may have been amended.

TOGETHER WITH any and all limited common elements, rights, easements, privileges and appurtenances belonging to the Units described above and any personal property of Grantor located in any of these Units or anywhere on the condominium site.

SUBJECT HOWEVER, to the terms, conditions, agreements, covenants, restrictions, obligations and easements referred to in the Averill Condominium Declaration described above, and to utility easements described in Book 3415, Page 7 and Book 3465, Page 269.

TOGETHER WITH all Development Rights, Declarant Rights and Special Declarant Rights described in the Maine Condominium Act and as described in Article 7 of the Averill Condominium Declaration; all rights of Declarant control as set forth in Article 8 of the Declaration; and any and all other rights of the Declarant pursuant to Maine Law.

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 43-126-4
 43-126-6 to 11
 43-126-13 to 36
 43-126-38 to 44

Being the same premises conveyed to Averill Apartments, Inc. by deed dated January 22, 1988 and recorded in Book 3309, Page 278; EXCEPT the five condominium units conveyed by deeds recorded in Book 3500, Page 167; Book 3500, Page 175; Book 3520, Page 292; Book 3531, Page 34; and Book 3563, Page 267.

SUBJECT HOWEVER, to a Mortgage Deed dated February 25, 1988 and recorded in Book 3309, Page 280; to an Assignment of Rents dated February 25, 1988 and recorded in Book 3309, Page 286; to a Collateral Assignment of Leases dated February 25, 1989 and recorded in Book 3309, Page 290; to a UCC-1 Financing Statement recorded in Book 3309, Page 295; all as assigned to Gerrity Company, Inc. by Assignment dated December 13, 1988 and recorded in Book 3477, Page 258; to a Mortgage Deed dated October 18, 1988 and recorded in Book 3458, Page 206; and to a Mortgage Deed dated December 2, 1988 and recorded in Book 3470, Page 98, all of which are hereafter referred to as the "Financing Documents".

It is agreed by the Grantor and Grantee that Grantee's rights, liens, and security interests in the Financing Documents SHALL NOT MERGE or be otherwise extinguished by this deed; that the debt and obligations secured by the Financing Documents SHALL NOT BE EXTINGUISHED; that Grantee SHALL RETAIN all rights to the debt and other obligations described in the Financing Documents; and that the Grantee's rights, liens and security interests SHALL REMAIN ATTACHED to all real and personal property of Grantor.

Dated this 3 day of ^{October}~~September~~, 1991.

AVERILL APARTMENTS, INC.

By: Hadley R. Chandler
 Hadley R. Chandler
 Its President

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43-126-6 to 11
43-126-17 to 36
43-126-38 to 44

Transferee's Acceptance

Gerrity Company Inc., as Transferee of the Special Declarant Rights, Development Rights, and all other rights of Declarant described above, hereby execute this document pursuant to Section 1603-104(a) of the Maine Condominium Act.

GERRITY COMPANY INC.

J. Frank Gerrity II

J. Frank Gerrity II,
Treasurer

State of Maine
County of *Kennebec*

October 3 , 1991

Personally appeared the above named Hadley R. Chandler and acknowledged that the foregoing instrument is his free act and deed and the free act and deed of Averill Apartments, Inc., before me,

J. E. Nale

Notary Public
My Commission Expires:
John E. Nale
me. atty. at law

RECEIVED KENNEBEC SS.

1991 OCT -4 AM 9:00

ATTEST: *Harold Reed Brown*
REGISTER OF DEEDS